

By: Harris

S.B. No. 1007

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the placement of a defendant in the state boot camp  
3 program as a condition of deferred adjudication community  
4 supervision.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 5, Article 42.12, Code of Criminal  
7 Procedure, is amended by adding Subsection (i) to read as follows:

8 (i) For the purposes of Subsection (a), a reasonable  
9 condition of community supervision for a defendant placed on  
10 community supervision under this section is placement of the  
11 defendant in the state boot camp program under Section 8, but only  
12 if the defendant is of the age and physical and mental capability  
13 otherwise required under Section 8(a) for participation in the  
14 program.

15 SECTION 2. Section 8, Article 42.12, Code of Criminal  
16 Procedure, is amended by adding Subsection (d) to read as follows:

17 (d) If a judge requires a defendant to participate in the  
18 state boot camp program as a condition of deferred adjudication  
19 community supervision, the placement period may not exceed 180  
20 days. On the 76th day after a defendant described by this  
21 subsection is placed in the program, the department shall send the  
22 judge placing the defendant in the program all information  
23 described by Subsection (b).

24 SECTION 3. Section 499.052, Government Code, is amended by

1 amending Subsections (a) and (d) and adding Subsection (e) to read  
2 as follows:

3 (a) The institutional division shall establish a program to  
4 confine persons who are required to serve not more than 180 days in  
5 the institutional division as a condition of a sentence imposed  
6 under Section 8, Article 42.12, Code of Criminal Procedure, or as a  
7 condition of deferred adjudication community supervision under  
8 Section 5 of that article. The institutional division may limit the  
9 number of persons participating in the program.

10 (d) The institutional division shall adopt rules of conduct  
11 for persons participating in the program under this section. If the  
12 institutional division determines that a person is not complying  
13 with the rules or is medically or psychologically unsuitable for  
14 the program, the division shall end the person's participation in  
15 the program and request the sentencing court to reassume custody of  
16 the person. Except as provided by Subsection (e), if ~~if~~ the court  
17 does not reassume custody and remove the person from the  
18 institutional division before the 12th day after the date the  
19 division notifies the court, the division shall transfer the person  
20 from the program to any unit within the division for the duration of  
21 the person's sentence or until further order of the court, provided  
22 the order is entered before the expiration of the 180 days from the  
23 date the execution of sentence actually begins. Except as provided  
24 by Subsection (e), if ~~if~~ on the 181st day after a person begins  
25 participation in the program the court has not suspended the  
26 imposition of the person's sentence of confinement, the  
27 institutional division shall transfer the person from the program

1 to any unit within the division.

2 (e) A court that requires a defendant to participate in the  
3 state boot camp program as a condition of deferred adjudication  
4 community supervision shall reassume custody of the defendant not  
5 later than the 12th day after the court receives from the  
6 institutional division a notice of noncompliance or unsuitability  
7 under Subsection (d). If the court does not receive the notice from  
8 the institutional division, the court shall nonetheless reassume  
9 custody of the defendant not later than the 181st day after the date  
10 on which the defendant was placed in the program.

11 SECTION 4. This Act takes effect September 1, 2005.